



#14
Reconsideration
ON
8/28/03

Patent
Attorney's Docket No. 000400-837

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Morihito NOMURA et al.

Application No.: 09/855,701

Filed: May 16, 2001

For: DOOR HANDLE DEVICE
FOR A VEHICLE

) **EXPEDITED PROCEDURE -**
) **RESPONSE UNDER**
) **37 C.F.R. § 1.116**
) **TECHNOLOGY CENTER 3600**
)
) Group Art Unit: 3677
)
) Examiner: Thomas Ho
)
) Confirmation No.: 9249

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Washington, D. C. 20231

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AUG 25 2003
GROUP 3600

Sir:

In response to the Official Action issued on May 7, 2003 in connection with the above-identified application, favorable reconsideration of this application is respectfully requested in view of the following remarks.

At the outset, appreciation is expressed to Examiner Ho for his time and attention during the interview that was conducted at the U.S. Patent and Trademark Office on August 8, 2003. The remarks below discuss the substance of that interview.

The most recent Official Action indicates that Claims 9-18 are allowable and that Claims 2-5 and 7 would be allowable if rewritten in independent form. Thus, the only claims currently at issue are independent Claim 1 and dependent Claims 6 and 8.

The Official Action sets forth a rejection of Claims 1, 6 and 8 on the basis of the disclosure contained in U.S. Patent No. 6,363,577 to *Spitzley* in view of the disclosures contained in U.S. Patent No. 6,401,302 to *Josserand et al.* and U.S. Patent No. 6,167,779 to *Sano et al.* That rejection is respectfully traversed for at least the following reasons.

As discussed during the interview, Claim 1 defines a vehicle door handle device comprised of a frame, a link and a grip-type outer handle. The frame is secured to the inside of an outer panel of a vehicle door and possesses a supporting portion as well as insertion holes. The link is rotatably mounted to the frame and is urged by the urging force of an elastic member in one rotational direction. The grip-type outer handle is mounted from outside the outer panel and is operatively associated with the link to operate the link to rotate against the urging force of the elastic member. The link is provided with a first engaging portion and axle portions each having a two faced portion. Slots are provided in the frame for inserting each of the two faced portions of the link while supporting holes are provided in the frame for rotatably supporting the axle portions. In addition, the frame is provided with a second engaging portion which engages the first engaging portion of the link to hold the link in a preliminary holding position.

As discussed with Examiner Ho, the Official Action interprets various features described in *Spitzley* as corresponding to features recited in Claim 1. For example, the Official Action notes that the door handle described in *Spitzley* includes a frame having a supporting portion 34a and several insertion holes 34g, 34j. The Official Action also observes that the vehicle door handle include a link 36, 30h, 30g which is said to be

rotatably mounted to the frame 34 and urged by the urging force of the spring 38 (by way of the lever 32).

As recognized in the Official Action, the features disclosed in *Spitzley* which are interpreted as corresponding to the claimed axle portions of the link (i.e., portions 30h) are not provided with a two faced portion as recited in Claim 1. The Official Action notes though that *Sano et al.* shows axles 6 provided with two flat surfaces 6a. From this, the Official Action concludes that it would have been obvious to provide the portions 30h disclosed in *Spitzley* with a two faced portion.

However, as was discussed during the interview, to modify the door handle disclosed in *Spitzley* in view of the disclosure in *Sano et al.* would be contrary to the objective sought to be achieved by *Spitzley*. As discussed in column 1, lines 41-54 of *Spitzley*, the disclosed door handle includes a particularly configured bearing interface that is designed to maximize the total bearing interface area between the handle and the housing for purposes of prolonging the effect of life of the pivotal joint. As described in *Spitzley*, this is achieved by providing coacting first and second arcuate surfaces on the housing structure and on the handle, as well as coacting third and fourth arcuate surfaces on the housing structure and on the handle. More specifically, as discussed in the third full paragraph in column five of *Spitzley*, the disclosed handle is designed to provide a large area arcuate bearing interface between the handle and the housing as the handle moves pivotally about the axis 30j of the pin structure 30h. This bearing interface is comprised of

both an inner bearing interface and an outer bearing interface. The inner bearing interface includes the outer arcuate surface of the pin structure 30h interacting with and engaging the inner arcuate surface 36d defined by the pivot member 36. The outer bearing interface is comprised of the trunnion outer arcuate surface 34d and the handle journal surface 30f. *Spitzley* then goes on to describe how this large area compound bearing interface provided by the inner and outer bearing interface arrangement provides a firm and positive pivotal action for the handle while also ensuring that a minimum degree of slop or play develops in the pivot axis even over extended periods of use.

Thus, considering that the objective sought to be achieved by the particular door handle arrangement described in *Spitzley* is to maximize the bearing interface between the outer arcuate surface of the pin structure 30h and the inner arcuate surface 36d of the pivot member 36, it would not have been obvious to replace the arcuate surfaces of the pins 30h with a two faced portion because such a modification would actually decrease the bearing surface sought to be maximized by the particular construction disclosed in *Spitzley*. Thus, for at least these reasons, and as recognized by Examiner Ho at the conclusion of the interview, it would not have been obvious to modify the door handle disclosed in *Spitzley* in view of the disclosure contained in *Sano et al.* as proposed in the Official Action.

For at least the reasons set forth above, it is submitted that the claimed vehicle door handle device defined in independent Claim 1, as well as dependent Claims 6 and 8, is patentably distinguishable over a hypothetical combination of the disclosures contained in

Spitzley, Sano et al. and *Josserand et al.* Accordingly, withdrawal of the rejection of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Date: August 14, 2003



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Morihito NOMURA et al.

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**REPLY UNDER 37 C.F.R. § 1.116
- EXPEDITED PROCEDURE -
TECHNOLOGY CENTER 3600**

Group Art Unit: 3677

Examiner: M. Rodgers

Confirmation No.: 9249

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AMENDMENT/REPLY TRANSMITTAL LETTER

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

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GROUP 3600

Enclosed is a reply for the above-identified patent application.

☒ A Petition for Extension of Time is also enclosed.

☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are _____.

☐ Small entity status is hereby claimed.

☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) previously submitted _____, on _____, for which continued examination is requested.

☐ Applicant(s) request suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below:

| AMENDED CLAIMS | | | | | |
|--|---------------|---|--------------|--------------------|-------------|
| | NO. OF CLAIMS | HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR | EXTRA CLAIMS | RATE | ADDT'L FEE |
| Total Claims | 18 | MINUS 20 = | 0 | × \$18.00 (1202) = | 0.00 |
| Independent Claims | 3 | MINUS 3 = | 0 | × \$84.00 (1201) = | 0.00 |
| If Amendment adds multiple dependent claims, add \$280.00 (1203) | | | | | 0.00 |
| Total Amendment Fee | | | | | 0.00 |
| If small entity status is claimed, subtract 50% of Total Amendment Fee | | | | | 0.00 |
| TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT | | | | | 0.00 |

☐ A claim fee in the amount of \$_____ is enclosed.

☐ Charge \$_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 14, 2003

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